

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:04cv582**

**ANIMAW T. AZAGIE,**

**Plaintiff,**

**vs.**

**MS. MCCOY (SUPERVISOR),  
SOCIAL SECURITY DEPARTMENT  
EXECUTIVE CENTER DRIVE  
3RD FLOOR, CHARLOTTE, NC  
28212**

**Defendant.**

**ORDER**

On May 24, 2006, the magistrate judge issued a Memorandum and Recommendation (Doc. No. 10) containing proposed findings of fact and conclusions of law, recommending that Defendant's motion to dismiss (Doc. No. 7) be granted. The parties were advised that objections were to be filed in writing within ten days after service of the magistrate judge's decision. The deadline for filing objections has since passed, and neither party has filed objections. "[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.' " Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee's note).

After careful review of the magistrate judge's Recommendation, the Court finds that the proposed findings of fact are supported by the record and his conclusions of law are consistent

with and supported by current case law. See Orpiano v. Johnson, 687 F.2d 44, 47 (4th Cir. 1982) (holding that only a careful review is required in considering a memorandum and recommendation absent specific objections). Accordingly, the Court hereby accepts the M&R of the magistrate judge and adopts it as the final decision of this Court for all purposes relating to this case.

**THEREFORE, IT IS HEREBY ORDERED** that the defendant's motion to dismiss is **GRANTED** and the Complaint be **DISMISSED WITH PREJUDICE**.

Signed: July 10, 2006

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.  
Chief United States District Judge

